

### BOARD OF ADJUSTMENT

### AFTER ACTION REPORT

**FRIDAY, AUGUST 8, 2014**

**9:00 A.M.**

CITY COMMISSION CHAMBERS, THIRD FLOOR  
1700 CONVENTION CENTER DR., MIAMI BEACH, FLORIDA

#### **A. CONTINUANCES / WITHDRAWALS**

1. File No. 3720  
3500 Hotel, LLC.  
3500 Collins Avenue

***Continued to the September 5, 2014 meeting –Goldberg/Colin 6-0 (Tandy absent).***

#### **B. NEW CASES**

1. File No. 3707  
Ana Gazarian  
6 Farrey Lane

The applicant is proposing to make renovations and build a second story addition with accessible roof deck to the existing single family home.

The applicant is requesting the following variances:

1. A variance to waive 2'-6" of the minimum required interior side pedestal setback of 7'-6" in order to build a second story addition to the existing single family home at 5'-0" from the south property line.
2. A variance to waive 1'-11" of the minimum required rear pedestal setback of 6'-11", in order to build a second story addition to the single family home at 5'-0" from the rear property line.
3. A variance to waive 7'-0" of the minimum required front pedestal setback of 20'-0", in order to build a parapet for an accessible terrace above the existing den at 13'-0" from the front property line, facing Farrey Lane.
4. A variance to waive 18'-4" of the minimum required front setback of 20'-0", in order to construct a parking space at 1'-8" from the front property line, facing Farrey Lane.

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5. A variance to waive 4'-0" of the minimum required interior side setback of 5'-0" for a parking space in order to construct one parking space at 1'-0" from the south side property line.
6. A variance to exceed by 75% (8'-6") the maximum allowable projection of 25% (2'-11") into the required street side yard of 11'-5" in order to permit the construction of a deck up to the North property line.

**Approved –Colin/Goldberg 7-0.**

### 2. File No. 3722 Justin Toal and Leigh Esposito Toal 5618 La Gorce Drive

The applicant is proposing interior and exterior renovations to the existing single family home with the addition of accessory structures, pool and deck in the rear yard of the property.

The applicant is requesting the following variances:

1.
  - A. A variance to waive 1'-6" of the minimum required interior side setback of 9'-0" from the side property line to the water's edge of a pool, in order to build the pool's retaining walls at 7'-6" from the North property line.
  - B. A variance to waive 3'-9" of the minimum required interior side setback of 7'-6" from the side property line to the pool deck, in order to build the pool deck at 3'-9" from the North property line.
2.
  - A. A variance to waive 1'-6" of the minimum required rear setback of 7'-6" from the rear property line to the water's edge of a pool, in order to build the pool's retaining walls at 1'-6" from the West property line facing the Golf Course.
  - B. A variance to waive all of the minimum required rear setback of 6'-0" from the rear property line to the pool deck, in order to build the pool deck up to the West property line facing the Golf Course.

**Approved with modified condition –Baron/Tandy 7-0.**

### 3. File No. 3723 Espanola Way Associates, LTD. 421-433, 435A & 435B Espanola Way

The applicant is proposing to make renovations to the existing historic structures for a hotel development.

The applicant is requesting the following variance:

1. A variance to waive the required minimum hotel unit size: no more than 15% of the hotel units shall be between 300-335 s.f. and 85% of units shall be 335 s.f., or larger in order to permit the renovation of the existing historic structures.

**Approved –Goldberg/Fox 7-0.**

### 4. File No. 3725 2377 Collins Resort, L.P., a Delaware Limited Partnership 2301-2377 Collins Avenue

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The applicant is proposing new signs as part of the renovations to the existing building for a residential and hotel development with accessory uses.

The applicant is requesting the following variances:

1. A. A variance to exceed by 8 s.f. the maximum permitted area of 2 s.f. for directional signs in order to permit three (3) directional signs with 10 s.f. each at the front of the property facing Collins Avenue.  
B. A variance to exceed by 3.83 s.f. the maximum permitted area of 2 s.f. for directional signs in order to permit one (1) directional sign with 5.83 s.f. on the existing monument at the front of the property facing Collins Avenue.  
C. A variance to exceed by 3.83 s.f. the maximum permitted area of 2 s.f. for directional signs in order to permit two (2) directional signs with 5.83 s.f. each on the existing monument at the South side of the property.  
D. A variance to exceed by 8 s.f. the maximum permitted area of 2 s.f. for directional signs in order to permit one (1) directional sign with 10 s.f. at the South side of the property.
2. A variance to waive all of the minimum required front setback of 10'-0" for directional signs exceeding 2 s.f. in order to permit three (3) directional signs with 10 s.f. each located at 0'-0" from the front property line facing Collins Avenue.
3. A variance to exceed by 122 s.f. the maximum permitted area of 30 s.f. for flat signs in order to permit one sign with 122 s.f. on the front of the building facing Collins Avenue and one sign with 30 s.f. located on the East side of the building facing the ocean with a total aggregate area of 152 s.f.
4. A variance to exceed by 25.5 s.f. the maximum permitted area of 15 s.f. for a monument sign in order to permit one monument sign with 40.5 s.f. on the front of the building facing Collins Avenue.
5. A variance to exceed by 26.3 s.f. the maximum permitted area of 15 s.f. for a monument sign in order to permit one monument sign with 40.5 s.f. and one monument sign with 0.8 s.f. at the planter located on the North side of the building facing 24<sup>th</sup> Street with a total aggregate area of 41.3 s.f.
6. A variance to relocate permitted accessory use signs from Collins Avenue to the South side of the building in order to permit one flat sign with 30 s.f. for accessory use and one flat sign with 3 s.f. for accessory use on the loggia at the South side of the building.

**Approved with modified conditions –Tandy/Fox 7-0.**

- 5. File No. 3726**  
**William M. Pizzorni**  
**1220 South Biscayne Point Road**

The applicant is proposing to construct a new L-shaped dock, a boat lift, and 3 additional mooring piles for a total projection of 65'- 6" from the seawall for a new two story single family home.

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The applicant is requesting the following variance:

1. A. A variance to exceed by 0.4% (1'-9") the maximum 15% projection into the waterway that exceeds 100'-0" in width in order to permit the construction of an L-shaped dock and three (3) mooring piles with 15.4% projection into a canal with a width of 425'-0".
- B. A variance to exceed by 25'-6" the maximum permitted 40'-0" projection into the waterway that exceeds 100'-0" in width in order to permit the construction of an L-shaped dock and three (3) mooring piles with a total projection of 65'-6" into the waterway.

**Continued to the October 3, 2014 meeting –Baron/Preira 7-0**

**6. File No. 3727  
Christian Peter Hanky and Inge Hanky  
4560 Royal Palm Avenue**

The applicant has submitted plans entitled "Hanky Residence", as prepared by Mossrop Associates, dated June 9, 2014.

The applicant is proposing renovations to the single family home including one story additions with accessible roof deck.

The applicant is requesting the following variance:

1. A variance to waive all of the minimum required setback of 10'-0" from the north side exterior outer walls in order to permit a one story addition with accessible roof deck up to the exterior outer walls and a setback of 5'-0" from the north property line.

**Approved –Goldberg/Fox 7-0.**

**7. File No. 3728  
Lost and Found Productions, LLC.  
33 East Dilido Drive**

The applicant is proposing total demolition of the existing structure and the construction of a new two story single family home.

The applicant is requesting the following variances:

1. A variance to waive 1'-0" of the minimum required side setback of 5'-0" in order to permit the installation of seven (7) air conditioning units at 4'-0" from the North side property line.
2. A variance to exceed by 1'-0" the maximum permitted elevation height of +8'-0" NGVD within the required rear yard in order to build portions of the pool's retaining walls and deck at +9'-0" NGVD.

**Continued to the September 5, 2014 meeting –Fox/Goldberg 6-0 (Tandy absent).**

**8. File No. 3729  
Starboard Florida IV, LLC.  
3026 North Bay Road**

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The applicant is proposing renovations to the existing single family home including the addition of accessory buildings in the rear yard and the addition of a two (2) story structure at the front of the property.

The applicant is requesting the following variances:

1. A variance to waive 39.8% (1,225.5 s.f.) of the minimum required 70% (2,152.5 s.f.) landscaped pervious open space for the required rear yard of single family homes, in order to permit the construction of two (2) accessory buildings and pool deck with 30.2% (927 s.f.) of landscaped open space.
2. A variance to waive 3'-9" of the minimum required interior side setback of 13'-9" for a two (2) story accessory structure in order to permit the construction of a two (2) story accessory structure in the required rear yard at 10'-0" from the interior North side property line.
3. A variance to exceed by 50% (100.8 s.f.) the maximum permitted 50% (100.8 s.f.) of the first floor area for the second floor of a two (2) story accessory structure in order to permit the construction of a second floor with 100% (201.66 s.f.) area of the first floor for a two (2) story accessory structure located in the required rear yard

**Approved –Fox/Baron 7-0.**

**9. File No. 3730  
Publix Super Market, Inc.  
1920 West Avenue**

The applicant is proposing a new signage plan for the site and the removal of the existing building identification sign.

The applicant is requesting the following variances:

1. A variance to exceed by 11.69 s.f. the maximum permitted area of 30 s.f. for a flat sign in order to permit a flat sign with 41.69 s.f. at the top of the main entrance doors facing 20<sup>th</sup> Street.
2. A variance to waive 5'-0" of the minimum required street side setback of 10'-0" for a monument sign in order to permit a monument sign at 5'-0" from the north property line facing 20<sup>th</sup> Street.

**Approved –Baron/Tandy 7-0.**

**10. File No. 3731  
Seville Acquisition, LLC.  
2901 Collins Avenue**

The applicant is proposing new signs as part of the renovations to the existing building for a mixed-use development.

The applicant is requesting the following variances:

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1. A variance to exceed by 16 s.f. the maximum permitted area of 40 s.f. for a flat sign in order to permit a flat sign with 56 s.f. on the parapet at the southwest corner of the building facing Collins Avenue.
2. A variance to relocate a permitted flat sign from 30<sup>th</sup> Street to the front of the building in order to permit a flat sign with 11.2 s.f. on top of the existing concrete canopy facing 29<sup>th</sup> Street.

**Approved –Goldberg/Colin 7-0.**

## **C. APPEALS**

### **1. File No. 3646 (Appeal)**

**The Residences at the Bath Club Condominium Association, Inc., The Residences at the Bath Club Maintenance Association, Inc., and Thomas K. Ireland  
5937-5959 Collins Avenue**

The applicants are appealing an administrative decision regarding the uses permitted on the pool deck of the Bath Club.

**Continued to the October 3, 2014 meeting –Preira/Colin 6-0 (Tandy absent).**

## **D. DISCUSSION**

### **1. Proposed revisions to Board of Adjustment By-Laws**

**Revised and continued to the September 5, 2014 meeting.**

## **E. NEXT MEETING DATE**

Friday, September 5, 2014

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*In accordance with the Americans With Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, persons with disabilities, or to request material in accessible format, contact the Board's administrator at (305)673-7550 no later than four (4) days prior to the proceeding. If hearing impaired or for sign language interpreters, telephone (305)673-7219 (TDD) five (5) days prior to the proceeding.*

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All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the Board of Adjustment c/o the Planning Department, 1700 Convention Center Drive, 2nd Floor, City Hall, Miami Beach, Florida 33139. The applications and all documents related thereto are available for public inspection during normal business hours in the office of the Department. Inquiries may be directed to the Department at (305) 673-7550. Any of the above items may be continued to another meeting date and, under such circumstances, further advertised legal notice may not be provided.

Pursuant to Section 286.0105, Fla. Statue, the City hereby advises the public that: If a person decides to appeal any decision made by this Board with respect to any matter considered at its meeting or hearing, such person will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.